

**ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD
MINUTES OF MEETING
SEPTEMBER 20, 2006
PHOENIX, ARIZONA**

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on September 20, 2006, at AZ POST, located at 2643 E. University Drive, Phoenix, AZ.

Members Present:

Sheriff Gary Butler, Chairman
Chief Andy Anderson, representing Chief Jack Harris
Mr. Tim Black, representing Attorney General Terry Goddard
Mr. Joseph Duarte
Chief Pennie Gillette-Stroud, representing Director Roger Vanderpool
Chief Patricia Huntsman
Ms. Wendy Larsen
Deputy Director Gary Phelps, representing Director Dora Schriro
Chief Jerry Sheridan
Detective Robert Thompson
Sgt. Tamatha Villar

Members Absent:

Sheriff Clarence Dupnik
Dr. Michael Polakowski

Staff in Attendance:

Ted Brandon
Marie Dryer
Dan Elting
Bob Forry
Tom Hammarstrom
Steve Jacobs
Gary Maschner
Curt Milam
Lyle Mann
Sandy Sierra
Maria Valtierra
Rick Watling
Mark Zbojnowicz

Assistant Attorney General
Diana Stabler

Guest Roster:

Chief Gordon Gartner, Payson Police Department
Dale Norris
John Russell, NARTA
Rod Johnston, CARLOTA
Rich Kush, CGCC
Salvador Lopez
Alvin Mayhew
Scott Dunlap
Mike Palmer

A. CALL TO ORDER

Chairman Butler called the meeting to order at 10:01 a.m.

B. DISCUSSION OF SALARY CHANGES FOR POST SPECIFIC EMPLOYEES

Director Hammarstrom addressed the Board regarding a salary plan for those employees who are classified as direct POST employees. There are nine employees who fall under this category. In the past, POST employees were compensated in parity with DPS employees with ranks of Sergeant II and above. Recently, DPS sworn employees received an increase in pay that placed them at parity with the average of the top five paying law enforcement agencies in the state. It has been five years since the pay structure for POST employees has been addressed.

The Board voted to go into executive session at 10:02 a.m. to discuss this matter and to obtain legal advice. The open meeting reconvened at 10:25 a.m.

Mr. Black moved to adopt the POST/DPS Pay Parity Plan and approve a parity minus 5% pay increase, seconded by Chief Huntsman. Chief Pennie Gillette-Stroud moved to make this pay increase retroactive to July 1, 2006, seconded by Chief Huntsman, motion carried unanimously.

C. CONSENT AGENDA

There is one change in the consent agenda. The October meeting is being changed from October 18, 2006, to October 11, 2006. The Consent Agenda was approved unanimously, motion made by Wendy Larsen, seconded by Pennie Gillette-Stroud.

1. Minutes of the Regular Board meeting, held on July 12, 2006, were approved as written.
2. Minutes of the Charging Board meeting, held on August 16, 2006, were approved as written.
3. The next scheduled Charging Board meeting is Wednesday, October 11, 2006, at 10:00 a.m. at AZ POST, located at 2643 E. University Drive, Phoenix, AZ.

The next scheduled Regular Board meeting is Wednesday, November 15, 2006, 1:30 p.m. at the San Marcos Hotel, located at 1 North San Marcos Place, Chandler, AZ 85225.

4. Ministerial Actions:
 - a. Certification Waivers: LIST ATTACHED TO MINUTES.
 - b. Instructor Certification Renewals: LIST ATTACHED TO MINUTES.
 - c. Training Program Confirmations: LIST ATTACHED TO MINUTES.
5. Income and Expense Statement – July 2006

Funds as of July 1, 2006	\$ 1,180,626.90
CJEF Revenue	553,653.93
Expenditures/Encumbrances	(600,699.84)
Balance for January 31, 2006	\$ 1,133,580.99

D. REGULAR AGENDA

1. Morrison Institute Survey
 Director Hammarstrom briefed the Board on a survey to be conducted by the Morrison Institute. The Institute will survey the citizens of Arizona to determine what their expectations are of the officers who serve them. This will be a good way to determine if the public's standards are in-line with our standards.

Chief Huntsman moved that the Board enter into an Intergovernmental Agreement with Arizona State University and the Morrison Institute to perform the "Arizonans' Trust in Their Police: Elements, Variations, and Limits' Survey, seconded by Sgt. Villar, motion carried unanimously.

2. COTA 360-Hour Basic Correctional Officer Curriculum Proposal
Sgt. Rick Watling addressed the Board to discuss a revision to COTA 360-Hour Basic Correctional Officer Curriculum. The revision was necessary due to a new federal law requiring correctional facilities to educate staff regarding the elimination of prison rape and sexual abuse. The training curriculum reflects some adjustments to the previously approved 2006 Revision of the 360-hour curriculum.

Deputy Director Phelps moved that the Board approve the 2006 revision of the COTA 360-Hour Basic Correctional Officer Curriculum as presented by COTA for instruction in the Basic Correctional Officer Training Academy, seconded by Chief Huntsman, motion carried unanimously.

3. Eastern Arizona College Police Academy
Bob Forry addressed the Board to discuss the academy recognition for the 585-hour basic officer course for the Eastern Arizona College Police Academy. The Compliance Section inspected Eastern Arizona College in Safford and determined the academy meets the standards of R13-4-116.

Chief Huntsman moved that the Board determine that Eastern Arizona College Police Academy meets the standards of R13-4-116 and that the academy may provide the basic training required to receive certified peace officer status, seconded by Mr. Duarte, motion carried unanimously.

E. LEGISLATIVE UPDATE

Deputy Director Mann addressed the Board and stated there is currently nothing that will impact POST at the legislature. In the near future there will be discussion with the Crisis Intervention Training Group to promote this training statewide.

F. SUMMARY OF CURRENT EVENTS

Director Hammarstrom reported that Rod Covey, executive director of the Regional Community Policing Institute is in Missouri to discuss the future of that agency. POST is currently in the planning stages of inclusion of the most important activities conducted by RCPI into the POST organization. A new name being considered when this happens will be The AZ Institute for Leadership Excellence. This will be a training organ of the Board that will cover leadership and supervision through all ranks of the law enforcement community.

The POST Board has been invited by the Arizona Association of Counties to hold its November meeting at the San Marcos Resort in Chandler; this will be in conjunction with their meeting. All Board members were in favor of this.

G. COMMITTEE UPDATE

The Rules Committee will be meeting in Laughlin on September 21, 2006. There are four items on agenda.

H. REPORTS

1. Basic Training

CARLOTA – Director Rod Johnston reported that they currently have two classes in session. There are 35 cadets in Class 95 representing 14 agencies and 33 cadets in Class 96 representing 16 agencies. CARLOTA recently hosted a General Instructor School.

COTA – Commander Branch reported they currently have eight classes with 245 cadets representing 12 different counties. COTA has graduated 151 out of 168 cadets since July of 2006. This is a 90% success rate. The Pima County Sheriff's Office contacted them about the use of their facilities to run two classes.

Chandler/Gilbert Community College – Director Rich Kush reported they just completed their first semester. All cadets passed the POPAT. They are currently in the second semester with a graduation date in January.

Mesa LETA – Eloy Garza, head RTO reported they graduated Class 26 with 31 cadets. They are currently trying to run two academies per year. There are talks of possibly running three per year.

Mohave Regional Police Academy – Director Patrick Otto reported they graduated a class of ten this past August. The next class will graduate in January. There are in discussions about having a residential academy.

NARTA – Captain John Russell reported the current class started on August 14 with 39 cadets. The class has a 97% GPA. They are in discussions with Durant to have them design their new driver's track.

Payson Training Academy – Rod Mamero, academy coordinator, reported that nine cadets made it through the first week.

SALETC – Commander Lane reported Class 06-02 is in its 11th week. Currently they are having academic probation problems with this class. This class will graduate October 12 with 12 agencies being represented. Class 06-03 will start October 23. They have started a 17 week curriculum.

3. Department of Corrections – Deputy Director Gary Phelps reported that DOC officers received a \$6810 pay increase. The vacancy rate remains unchanged; hopefully this will change with this pay increase.
4. Arizona Regional Community Policing Institute – Sgt. Jim DeLung reported on the Leadership and Police Organization Program. The first class will be September 25, 2006. This class is for lieutenants and above. There are plans for second class to be held in Flagstaff in January or February and a third class to be held in Tucson February or March. One of the goals involves training a minimum of 100 command level people per year. Shortened versions of this class will be offered to sergeants, corporals and FTOs. Due to a decrease in funding, FBI agents will not be assigned to RCPI as previously reported. Sgt. Yoshimura will be leaving RCPI this fall to begin a teaching position at Mesa Community College for the Administration of Justice Program.

I. FINAL ACTION CASES:

Case #1 – Steven D. Huddleson. *Assistant Chief Andy Anderson recused himself from participation on this case.* The Board considered comments from Assistant A. G. Diana Stabler. Mr. Duarte made a motion to adopt the Consent Agreement Order and Decision and suspend peace officer certification for a period of 200 hours beginning on June 24, 2005, and running concurrently with the dates and times he served his suspension from the Phoenix Police Department, seconded by Chief Gillette-Stroud, motion carried unanimously.

Case #2 – Brian D. Rader. The Board considered comments from Assistant A. G. Diana Stabler. Chief Sheridan made a motion to adopt the Consent Agreement Order and Decision to voluntarily relinquish peace officer certification, seconded by Chief Huntsman, motion carried unanimously.

Case #3 – Nathan A. Kirch. The Board considered comments from Assistant A. G. Diana Stabler. Chief Huntsman made a motion to adopt

the Consent Agreement Order and Decision to voluntarily relinquish peace officer certification, seconded by Mr. Phelps, motion carried unanimously.

Case #4 – David M. McMahon. The Board considered comments from Assistant A. G. Diana Stabler. Chief Gillette-Stroud made a motion to adopt the Consent Agreement Order and Decision to voluntarily relinquish peace officer certification, seconded by Chief Sheridan, motion carried unanimously.

Case #5 – Ryan E. Ottosen. The Board considered comments from Assistant A. G. Diana Stabler. Sgt. Villar made a motion to adopt the Consent Agreement Order and Decision to voluntarily relinquish peace officer certification, seconded by Mr. Duarte, motion carried unanimously.

Case #6 – Christine L. Bedonie. The Board considered comments from Assistant A.G. Diana Stabler. Mr. Duarte made a motion to grant the rehearing and also to adopt the Consent Agreement Order and Decision and suspend peace officer certification for a period of one year beginning on May 5, 2005, and ending on May 4, 2006, seconded by Mr. Phelps, motion carried unanimously.

Case #7 – Phillip Bedonie Jr. The Board considered comments from Assistant A.G. Diana Stabler. Chief Huntsman made a motion to adopt the Consent Agreement Order and Decision and suspend peace officer certification for a period of six month beginning on May 5, 2005, and ending on November 5, 2005, seconded by Ms. Larsen, motion carried unanimously.

Case #8 – Scott C. Dunlap. The Board considered comments from Assistant A.G. Diana Stabler, Scott Dunlap and Donna McDaniel, attorney for Mr. Dunlap. Chief Sheridan made a motion to adopt the Findings of Fact and Conclusions of Law and revoke certification, seconded by Chief Gillette-Stroud, motion carried with four nay votes.

Case #9 – Kathleen J. Garza. The Board considered comments from Assistant A.G. Diana Stabler. Chief Gillette-Stroud made a motion to adopt the Findings of Fact and Conclusions of Law and revoke certification, seconded by Sgt. Villar, motion carried unanimously.

Case #10 – Arnold G. Orozco. The Board considered comments from Assistant A.G. Diana Stabler. Mr. Black and Sgt. Villar both inquired whether the supervisor in this case was disciplined and if not, why not? It is unknown whether the supervisor was disciplined or not. Sgt. Villar made a motion to adopt the Findings of Fact and Conclusions of Law and revoke certification, seconded by Chief Huntsman, motion carried unanimously.

Case #11 – Preston P. Park. *Assistant Chief Andy Anderson recused himself from participation on this case.* The Board considered comments from Assistant A.G. Diana Stabler. Mr. Black made a motion to adopt the Findings of Fact and Conclusions of Law and revoke certification, seconded by Chief Sheridan, motion carried unanimously.

Case #12 – Randy S. Lineberger. The Board considered comments from Assistant A.G. Diana Stabler. Chief Gillette-Stroud made a motion to adopt the Findings of Fact and Conclusions of Law and revoke certification, seconded by Mr. Duarte, motion carried unanimously.

Case #13 – Salvador Lopez. The Board considered comments from Assistant A.G. Diana Stabler and Salvador Lopez. Chief Sheridan made a motion to adopt the Findings of Fact and Conclusions of Law and suspend peace officer certification until lapse, which is July 21, 2008, seconded by Chief Huntsman, motion failed. Chief Gillette-Stroud made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Chief Sheridan, motion failed. Mr. Duarte made a motion to adopt the Findings of Fact and Conclusions of Law and suspend peace officer certification for one year beginning September 20, 2006, seconded by Mr. Black, motion carried with four nay votes.

Case #14 – Alvin L. Mayhew. The Board considered comments from Assistant A.G. Diana Stabler and Janet Feltz, attorney for Mr. Mayhew. Mr. Duarte made a motion to adopt the Findings of Fact and Conclusions of Law and suspend peace officer certification for three months beginning September 20, 2006, seconded by Chief Sheridan, motion carried with four nay votes.

J. NEW CHARGING CASES:

Case #1 – Ronald L. Martin. Mr. Black made a motion to close the case with **No Action**, seconded by Deputy Director Phelps, motion carried unanimously.

Case #2 – Daniel M. Scott. Mr. Phelps made a motion to close the case with **No Action**, seconded by Chief Huntsman, motion carried unanimously.

Case #3 – Brian K. Duncan. Mr. Black made a motion to close the case with **No Action**, seconded by Mr. Duarte, motion carried unanimously.

Case #4 – Forrest R. Bunch. Sgt. Villar made a motion to **Initiate Proceedings**, seconded by Chief Huntsman, motion carried unanimously.

Case #5 – Douglas R. Bacon. Chief Gillette-Stroud made a motion to ***Initiate Proceedings***, seconded by Mr. Black, motion carried unanimously.

Case #6 – Edward L. Horvath. *Mr. Duarte recused himself from participation and voting on this case.* Sgt. Villar made a motion to ***Initiate Proceedings***, seconded by Deputy Director Phelps, motion carried unanimously.

Case #7 – Alonso Quintero. Mr. Black made a motion to close the case with ***No Action***, seconded by Deputy Director Phelps, motion carried unanimously.

Case #8 – Rudy F. Reyes. *Sgt. Villar recused herself from participation and voting on this case.* Chief Huntsman made a motion to ***Initiate Proceedings***, seconded by Mr. Duarte, motion carried with one nay vote.

Case #9 – Emmitt L. Williams. Mr. Duarte made a motion to close the case with ***No Action***, seconded by Deputy Director Phelps, motion carried unanimously.

K. CALL TO THE PUBLIC

Mr. Mike Palmer addressed the Board during the call to the public. He requested the Board consider adopting the code of conduct that is used by federal judges in order to avoid impropriety and the appearance of impropriety.

L. ADJOURN

Chairman Butler adjourned the meeting at 12:36 p.m.

Dated: October 13, 2006

Sandra L. Sierra, Recording Secretary

Minutes approved as written.

Gary Butler, Chairman